

Appl. No. 10/539231
Reply to Action dated January 13, 2009

REMARKS

Applicants respectfully request favorable reconsideration and reexamination of this application.

Claims 1-2 and 4-10 have been cancelled.

Claim 11 has been revised and is supported by, for example, Figs. 1-3 and lines 8-26 on page 7, line 26 on page 8 to line 16 on page 9, lines 1-2 on page 10 in the Specification.

Claim 18 has been editorially revised for clarification.

There is no new matter. Claims 11-18 and 20-25 are pending.

Claim Rejections – 35 USC § 103

Claims 11-14, 16-18, and 20-25 were rejected under 35 USC 103(a) as being unpatentable over Hiramatsu et al. (WO01/196882, English version referenced in the rejection is US 2002/0155616) in view of Jenkins et al. (US 4847050) or Lee et al. (US 2005/0013746). Applicants do not concede the correctness of the rejection.

Regarding claim 11, the rejection conceded that Hiramatsu et al. does not teach the adhering liquid moving groove feature. Neither Jenkins et al. nor Lee et al. remedies this deficiency.

Jenkins et al. does not teach an adhering liquid moving groove extending from the upper opening flush with the upper surface of the receptacle body to an intermediate position short of the bottom of the receptacle body, as required in claim 11. Jenkins et al. teaches a plurality of channels 32 that are “defined by the structures 46, 46” wherein the structures 46, 46’ are pyramid structures. (column 5, lines 13-23). The channels 32 are shown in Fig. 2 to be located at only the bottom portion of the container space. Accordingly, the channels 32 do not extend from the upper opening flush with the upper surface of the receptacle body to an intermediate position short of the bottom. Thus, the channel structures taught in Jenkins et al. are not analogous structures to the claimed grooves. Therefore, Jenkins et al. does not remedy the deficiencies of Hiramatsu et al. conceded in the rejection.

Further, Jenkins et al. does not teach that the channels 32 are provided to assist in moving an adhering liquid downwardly. In fact, Jenkins et al. teaches that the channels 32 have a particular function that is very different from the adhering liquid moving groove of claim 11. Jenkins et al. teaches that channels 32 are provided between projections 30, wherein the

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projections 30, 36, 36' are "finger-like members" configured at the bottom of the container space (column 4, lines 47-48). Jenkins et al. teaches that the space between the projections define the channel (column 5, line 22-23). Jenkins et al. teaches that the projections 30 are used in reflecting ultrasonic energy to define a "high ultrasonic energy region" where tableted materials are confined with hydrated liquid, and that the hydrated liquid flows to the recess 38 via the channels 32 to assist in dissolution of tableted material under ultrasonic application (see column 5, line 10 to column 6, line 7). The channels 32 of Jenkins et al. are not taught as having any function related to downward movement of a liquid. Accordingly, Jenkins et al. does not teach a groove for downwardly moving the liquid which adheres on a peripheral portion of the upper opening of the well and on the closure by overcoming a surface tension of the adhering liquid.

For at least the above reasons, the channels 32 of Jenkins et al. fail to remedy the deficiencies of Hiramatsu et al.

Lee et al. does not teach an adhering liquid moving groove extending from the upper opening flush with the upper surface of the receptacle body to an intermediate position short of the bottom of the receptacle body, as required in claim 11. The rejection stated that Lee et al. teaches an adhering liquid moving groove as reference numeral 86 of Fig. 6. Applicants respectfully disagree. Lee et al. teaches that reference numeral 86 is an "anti-wicking wall transition fillet" and a "key feature of the cuvette" (column 5, lines 57-58). Lee et al. teaches the anti-wicking wall transition fillet 86 that inhibits liquid moving to the bottom of the cuvette along an interior wall surface. This teaching is opposite to the claimed groove that promotes downward movement of a liquid. Lee et al. teaches that the anti-wicking fillet 86 is designed to "completely minimize" capillary wicking so that cuvette washing may restore the used cuvette. and "completely minimizes" liquid from moving to the bottom of the cuvette (see column 7, lines 7-25). Accordingly, the anti-wicking wall transition fillet 86 of Lee et al. not only fails to remedy the deficiencies of Hiramatsu et al., it is completely opposite to the claimed feature.

For at least the above reasons, claim 11 is patentable over Hiramatsu et al. in view of Jenkins et al. or Lee et al. Claims 12-18 and 20-25 are patentable for at least the same reasons as claim 11 from which they depend. Applicants respectfully request a favorable reexamination and reconsideration of the claims.

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Claim 15 was rejected under 35 USC 103(a) as being unpatentable over Hiramatsu et al. in view of Jenkins et al. or Lee et al. and in further view of Okubo et al. (JP 2001318101).

Applicants do not concede the correctness of the rejection. Okubo et al. does not remedy the deficiencies of Hiramatsu et al. in view of Jenkins et al. or Lee et al. as stated above in regard to claim 11. Therefore, claim 15 is patentable for at least the same reasons as claim 11 from which it depends. Applicants respectfully request a favorable reexamination and reconsideration of the claim.

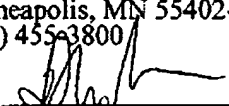
In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



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Respectfully submitted,

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